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INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
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RUEHAK/AMEMBASSY ANKARA 4970
RUEHBJ/AMEMBASSY BEIJING 2728
RUEHKO/AMEMBASSY TOKYO 2593
RUEHIT/AMCONSUL ISTANBUL 3214
RHMFIUU/CDR USCENTCOM MACDILL AFB FL
RUEHVEN/USMISSION USOSCE 3410
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
RUEKJCS/JOINT STAFF WASHDC

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SIPDIS

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SUBJECT: TURKMENISTAN: GOVERNMENT PROVIDES UPDATE ON STATUS OF IPR
PROTECTION

REF: A) STATE 8410; B) ASHGABAT 258

11. In a diplomatic note received on March 2, the Turkmenistan
Ministry of Foreign Affairs conveyed to post an overview of
intellectual property protection in Turkmenistan. A summary of the
Russian language text is provided below.

PATENT SYSTEM OF TURKMENISTAN

12. Since its independence, Turkmenistan has established a national
patent system that provides legal protection for items of industrial
property, meaning inventions and industrial designs, as well as
trademarks and service marks. The national patent system is based
on the Patent Law adopted in October 1993 and international treaties
to which Turkmenistan has acceded. The responsibility for operating
the national patent system was initially given to the Patent Service
of Turkmenistan established on June 25, 1993. At present, the
Patent Department of the Ministry of Economy and Development
implements state regulation in the area of the protection of items
of industrial property. Specialists of the Patent Department carry
out all tasks related to the legal protection of items of industrial
property such as receiving and examining requests, issuing decisions
and title documents, registration of items of protected industrial
property in the state registry, license agreements, agreements on
transfer of rights for patents and trademarks, and changes of names
and addresses of their owners. The Patent Service maintains an
up-to-date website that provides all normative acts of Turkmenistan
in the areas of protection of items of industrial property, full
information about the Patent Department, and a list of patent
attorneys.

CAPACITY BUILDING ACTIVITIES

13. In cooperation with the World Intellectual Property Organization
(WIPO), specialized seminars are conducted for the interested
parties and ministries. In 2007-2008, the Patent Department started
releasing official bulletins in CD-ROM format to expand access to
the data on protected inventions, industrial designs and trademarks.
In 2008, Turkmenistan adopted new Laws on Inventions and Industrial
Designs and on Trademarks, Service Marks and the Name of the Place
of Origin of Goods. Turkmenistan ratified the Eurasian Patent
Convention as of September 1994. In 1995, Turkmenistan signed
declarations to continue membership in three international

treaties:

- the Convention establishing WIPO as of July 14, 1967;
- the Paris Convention on Protection of Industrial Property; and
- the Agreement on Patent Cooperation dated June 19, 1970.

14. In June 1999, Turkmenistan joined the Madrid Treaty Protocol on International Registration of Trademarks. In 2006, Turkmenistan joined the following treaties which govern the main international classifications:

- the Strasburg Agreement on International Patent Classification (1971);
- the Locarno Agreement on Establishing International Classification of Industrial Samples (1968);
- the Nice Agreement on International Classification of Goods and Services for Trademark Registration;
- the Vienna Agreement on International Classification of Graphic Elements of Trademarks (1974).

NATIONAL SYSTEM OF COPYRIGHT PROTECTION

15. The Civil Code of Turkmenistan regulates copyright and protection of related rights. The Code consists of five chapters, the fourth of which is entirely devoted to intellectual property. According to established norms, copyright arises at the time of the creation of a work and remains in effect during the life of the author and 50 years after the author's death. Related rights are

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valid for 50 years from the date of the first performance, whereas a performer's rights concerning his name and reputation are protected permanently.

16. The protection of algorithms, software programs, databases and integral microchip design is regulated by the Law on Legal Protection of Algorithms, Software, Databases and Integral Microchip Design, and by the Civil Code of Turkmenistan. In the past, a series of licenses have been issued for software and database programs.

THE STATUS OF PROTECTION OF INVENTIONS

17. The protection of inventions is regulated by the Law on Inventions and Industrial Designs, the Paris Convention, the Treaty on Patent Cooperation and the Eurasian Patent Convention. In the past, a significant quantity of applications for inventions was received from domestic and foreign applicants. After expert review, the majority of applicants were issued Turkmenistan patents. Since Turkmenistan is a member of the Eurasian Patent Convention, a large number of regional patents issued by the Eurasian Patent Department are effective on the territory of Turkmenistan. The 2008 Law on Inventions and Industrial Designs allows the protection of rights and the use of inventions and industrial designs in accordance with international norms. Upon entering into force, it provided appellate and judicial protection of the rights of patent owners, broadening the possibility of the use of inventions and industrial designs, and increasing the term of patent protection.

STATUS OF TRADEMARK PROTECTION

18. The protection of trademarks and service marks is regulated by the Law on Trademarks, Service Marks and the Name of the Place of Origin of Goods, the Paris Convention and the Protocol to the Madrid Treaty on International Trademark Registration. In the past, the Patent Service has issued a significant quantity of licenses for trademarks and service marks to legal entities and entrepreneurs. In addition, as a member of the Madrid Convention, more than ten thousand trademarks registered through the international registration process are valid in Turkmenistan. The Law on Trademarks, Service Marks and the Name of the Place of Origin of Goods strengthened the exclusive rights of trademark owners and provided legal protection for widely-known marks, introduced a new

"place of origin of goods" aspect of industrial property, established concrete measures for the prevention of violations of exclusive rights, and provided the possibility for customs control of goods with the aim of intercepting the transport of contraband.

STATUS OF RELEVANT IPR LEGISLATION

¶9. The Civil Code of Turkmenistan, the Law on Inventions And Industrial Processes, the Law on Trademarks, Service Marks And the Name of the Place Of Origin Of Goods, the Law On Legal Protection of Algorithms, Software, Databases and Integral Microchip Designs, and the Law on Scientific Intellectual Property, along with other State laws, form the legislative base for the protection of intellectual property in Turkmenistan.

PLANNED MEASURES TO IMPROVE IPR LEGISLATION

¶10. To further improve the protection of intellectual property in Turkmenistan, the following laws have been drafted and are being reviewed by the Parliament for anticipated adoption during 2009:

- Law on Author's Rights and Related Rights
- Law on Protection of Selection Achievements
- Law on Protection from Unfair Competition

The government plans to develop and adopt the following laws:

- "Law on Legal Protection of Genetic Resources, Traditional Knowledge and National Art," which will facilitate the preservation and development of traditional crafts, songs, dances, folklore, traditional medicine, and biological diversity of the environment;

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- "Law on Protection of Domains."

¶11. The adoption of these laws will provide further improvement in the protection of intellectual property, broaden the sphere of protected items; harmonize current legislation with international norms; and, in coming years, allow Turkmenistan to join the corresponding international conventions in the areas of copyright and related rights.

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